

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

BABY DOE, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs</i> ,	)	
	)	
v.	)	Case No. 3:22-cv-00049-NKM-JCH
	)	
JOSHUA MAST, <i>et al.</i> ,	)	
	)	
<i>Defendants</i> ,	)	
	)	
and	)	
	)	
UNITED STATES SECRETARY OF	)	
STATE ANTONY BLINKEN, <i>et al.</i> ,	)	
	)	
<i>Nominal Defendants.</i>	)	
	)	

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**JOINT MOTION TO MODIFY SECOND AMENDED PRETRIAL ORDER**

Plaintiffs Baby Doe, John Doe and Jane Doe, and Defendants Joshua Mast, Stephanie Mast, Richard Mast, Kimberley Motley, Ahmad Osmani, Secretary Antony Blinken and General Lloyd Austin, by counsel, file this Joint Motion to Modify Second Amended Pretrial Order (ECF No. 148) to continue the trial dates to the two-week period beginning February 5, 2024.

Under Rule 16(b) of the Federal Rules of Civil Procedure, the Court may modify a scheduling order for good cause. Here, good cause exists because the parties have several motions pending, the resolution of which will impact discovery and the scope of the case. In particular, the parties await a ruling on Plaintiffs’ motion for a protective order (ECF No. 166)—the pendency of which has affected the parties’ ability to conduct discovery; non-party Caleb Mast’s motion to quash subpoena to Liberty University (ECF No. 197); Nominal Defendants’ motion for protective order (ECF No. 203), and Defendant Richard Mast’s motion to compel

(ECF No. 219). The parties also await resolution of Defendants' motions to dismiss (ECF Nos. 85, 88, 90, 92) and, consequently, Defendants have yet to file answers to the complaint. Thus, Plaintiffs are not yet aware of the Defendants' respective defenses, further impacting their ability to conduct discovery. Also pending are motions to lift the protective order allowing the Plaintiffs to proceed with pseudonyms (ECF Nos. 130, 176), Richard Mast's motion to direct the clerk to seek certain information from the circuit court (ECF No. 174), and Plaintiffs' motion to show cause (ECF No. 141).

The parties propose that, in the interest of judicial economy, they be afforded the necessary time to fully understand the scope of the issues and the parties' defenses as they proceed with discovery. Accordingly, the parties respectfully request that the Court amend the Pretrial Order by moving the trial to the two weeks beginning February 5, 2024, with deadlines for discovery, expert disclosures, and dispositive motion being adjusted accordingly. The parties have been informed by the courtroom deputy, Carmen Amos, that the Court has the weeks of February 5-16, 2024 available for trial.

Defendants Joshua Mast, Stephanie Mast, Richard Mast, Kimberley Motley, and Ahmad Osmani have joined this motion as a first step but do so without prejudice to seeking further continuances of the trial date given the timing of the matters pending and new discovery issues and other matters likely to arise.

The new proposed deadlines would be:

<b><u>Event</u></b>	<b><u>Current Deadline</u></b>	<b><u>Revised Deadline</u></b>
Plaintiffs' Initial Expert Disclosures	May 24, 2023	September 27, 2023
Defendants' Initial Expert Disclosures	June 8, 2023	October 12, 2023
Deadline to Complete Discovery	90 days before trial date	90 days before trial date

Deadline to File Dispositive Motions	75 days before trial date	75 days before trial date
Deadline for Hearing Dispositive Motions	45 days before trial date	45 days before trial date
Trial	Oct. 2-6, 2023 & Oct. 10-13, 2023	Feb. 5-16, 2024

The parties, therefore, respectfully ask the Court for an order modifying the deadlines set forth in the Second Amended Pretrial Order (ECF No. 148) in accordance with the schedule suggested herein. A proposed Amended Scheduling Order is attached hereto for the Court's consideration.

Dated: May 19, 2023

Respectfully submitted,

/s/ Maya Eckstein

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of May, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

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